

Amendment No. 1 to SB3248

**Cohen
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3248

House Bill No. 2849*

by deleting Section 4 of the bill and by substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 65-31-106(b), is amended by deleting in the last sentence of this subsection the language "should" and by substituting instead the language "shall"; and by deleting in the last sentence of this subsection the language, "other marking devices" and by substituting instead the following language:

white paint, unless:

(1) The operator or its agent can determine the precise location of the proposed area of excavation based solely on the street address from a one-call service locate ticket because of the size of the property;

(2) The operator or its agent can determine the precise location of the proposed area of excavation from a one-call service locate ticket which references a driveway or other easily identifiable point on the property and which identifies the property by street address or block and lot number;

(3) The operator or its agent can determine the precise location of the proposed area of excavation from a one-call service locate ticket which identified the property as being located on a street or road between two designed intersections of such street or road and two cross streets or roads when a street address or block and lot number is unavailable or does not apply; or

(4) The person responsible for the excavation or demolition and all operators with underground facilities in the proposed area of excavation have had a meeting prior to the beginning of the excavation or

demolition for the exchange of information on the location of the proposed excavation or demolition.

AND FURTHER AMEND by inserting the following new language at the end of the amendatory language of Section 8:

When each operator notified in accordance with §65-31-106 has notified the one-call service that its underground utilities in the proposed area of excavation have been marked or that the operator has no underground utilities in the proposed area of excavation, the person responsible for the excavation or demolition may immediately proceed with the excavation or demolition notwithstanding the minimum three (3) working day notice requirement before excavation or demolition can begin set forth in §65-31-106(a).

AND FURTHER AMEND by deleting Section 9 of the bill in its entirety and by substituting instead the following new Sections 9 through 12:

SECTION 9. Tennessee Code Annotated, Section 65-31-102(4), is amended by deleting the language "; or the digging of holes for fence posts on private property".

SECTION 10. Tennessee Code Annotated, Section 65-31-111, is amended by adding a new subsection (d) as follows:

(d) The financial impact of all damages to underground utilities shall be calculated using generally accepted accounting principles (GAAP).

SECTION 11. The Tennessee Code Commission is requested to delete the word "Civil" from the heading description of Tennessee Code Annotated, Section 65-31-112, and to substitute instead the word "Criminal".

SECTION 12. This act shall take effect upon July 1, 2006, the public welfare requiring it.